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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ryan Cox,

10 Plaintiff,

11 v.

12 CoinMarketCap OpCo LLC, et al.,

13 Defendants.
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No. CV-21-08197-PCT-SMB

ORDER

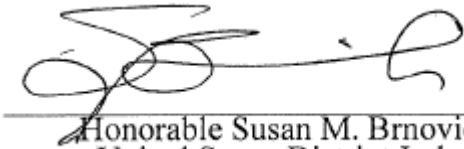
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16 This matter having recently come before this Court,

17 **IT IS ORDERED** that motions to dismiss pursuant to Fed. R. Civ. P. 12(b) and
18 motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect that would
19 be the subject of the motion can be cured by filing an amended pleading. Therefore, the
20 parties must meet and confer prior to the filing of a motion to dismiss or motion to strike
21 to determine whether it can be avoided. Consequently, motions to dismiss and motions to
22 strike must be accompanied by a notice of certification of conferral, indicating that the
23 parties have conferred to determine whether an amendment could cure a deficient pleading,
24 and have been unable to agree that the pleading is curable by a permissible amendment. In
25 addition, parties shall endeavor not to oppose motions to amend that are filed prior to the
26 Rule 16 Scheduling Conference or within the time set for the Rule 16 Case Management
27 Order. Motions to dismiss and motions to strike that do not contain the required
28 certification are subject to striking on the Court's own motion.

1 **IT IS FURTHER ORDERED** that Plaintiff shall serve a copy of this order on
2 Defendants.

3 Dated this 16th day of September, 2021.

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Honorable Susan M. Brnovich
United States District Judge